

REMARKS

Applicant notes that Claims 9-12, 15, and 21-23 are allowed, and that Claims 13, 14, 28, and 31 are objected to as being dependent on rejected base claims, but are indicated as being allowable if written in independent form. Applicant has not written these claims in independent form pending reconsideration of the currently rejected claims. Claim 36 has been cancelled and Claim 37 added.

The Examiner rejects Claims 1-6, 8, 16-19, 25-27 and 32-34 under 35 USC 103(a) as unpatentable over Nissen.

With respect to Claim 1, applicant has amended Claim 1 to clarify that the rebound surface mounting frame is self-supporting and that the flexible material mounting frame is self-supporting. Thus, Claim 1 requires two separate self supporting frames. These frames are interconnected by “coupling members”. The Examiner has asked with respect to Claim 1, sub-paragraph 5, what flexible material is claimed. Claim 1, sub-paragraph 2 recites “flexible material” and then defines the flexible material. Claim 1, sub-paragraph 5, then recites “a flexible material supporting frame supporting the flexible material.” This clearly refers back to the “flexible material” defined in sub-paragraph 2, and is a frame for supporting the flexible material of sub-paragraph 2 to provide the individual play areas. There is no other “flexible material” referred to in the claim. The Examiner says that it is unclear “as to the antecedent basis of ‘the frame’ in line 11. However, line 11 specifies “the frames” not “the frame”. Since two frames had been previously defined, the reference to “the frames” refers to both frames. Applicant has amended Claim 1 to refer separately to each of the frames which should clarify the antecedent basis. The Examiner also questions the antecedent basis of “other frame” in line 12. Now that “the frame” in line 11 has been clarified so that it clearly refers to both frames previously defined, the reference to “allowing movement of one frame in relation to the other” should be clear.

As indicated above, Claim 1 has now been amended to require two separate self-supporting frames, a self-supporting rebound surface mounting frame, and a self-supporting flexible material

mounting frame. These two self-supporting frames are interconnected by coupling members. This is not shown or suggested by Nissen. Nissen shows a rebound surface mounting frame which supports both the rebound surface and the frames for supporting the pieces of flexible material. Nissen does not teach or suggest that the frame or frames for supporting the flexible material be a separate self-supporting frame from the frame supporting the rebound surface. Nissen combines these frames into a single self-supporting frame. In applicant's illustrated embodiment, applicant provides separate self-supporting frames which are merely coupled together to hold the two frames in substantially fixed relationship with one another while allowing movement of one frame in relation to the other frame to relieve stress between the coupled frames. This is not shown or suggested by Nissen and is not obvious from Nissen. Nissen's flexible material mounting frame is supported by Nissen's rebound surface supporting frame. Therefore, Claim 1 and claims dependent thereon should be allowable.

Claim 5 has been amended similarly to Claim 1 so should also be allowable.

With respect to Claim 25, Claim 25 requires "each individual play area being formed by an individual preassembled flexible material unit configured so that the flexible material substantially entirely surrounds the periphery of an individual play area". Figs. 5 and 10 show these individual preassembled flexible material units, and Figs. 1, 6, 7, 8, 9, 13, and 15 show these individual preassembled flexible material units installed and supported by the mounting frame to form the individual play areas. The individual preassembled flexible material units are described in the paragraph starting on page 6 of the specification and going over to page 7. Nissen discloses and shows in Nissen's Fig. 3 two individual play areas with flexible material substantially entirely surrounding the periphery of the individual play areas. However, the flexible material forming each individual play area in Nissen is not formed by an individual preassembled flexible material unit. Each individual play area of Nissen is formed of a separate backstop bed along the back wall of the play area, two separate backstop beds along opposite side walls of the play area, and a separate center netting along the front wall of the play area. Thus, the four walls of each individual play area are formed by four separate pieces of flexible

material separately attached to a supporting frame. Further, each of the pieces forming a side wall of a play area forms the side wall of two of the play areas. There is no preassembled flexible material unit which is attached to the supporting frame and forms a play area. The play area has to be assembled from separate pieces of flexible material separately attached to the supporting frame or frames. In applicant's Request for Continued Examination and Amendment applicant pointed out that the Examiner had not specifically addressed Claim 25 and did not indicate why applicant's flexible material unit was obvious. Again, the Examiner does not specifically address the obviousness of Claim 25, so does not address what makes applicant's provision of preassembled flexible material units, one preassembled flexible material unit for each play area, obvious from Nissen's teaching of assembling each play area of individual pieces of flexible material (or from individual pieces of flexible material as similarly taught by applicant's own prior art). Applicant submits that there is nothing in Nissen to teach or suggest to one skilled in the art that each individual play area be formed of a single preassembled flexible material unit. It has been found that with the individual preassembled flexible material units, the assembly of the apparatus is easier, and also that the individual units can be sent back for repair or replacement, if needed, rather than having to take down and send back pieces of netting material that form a part of more than one play area.

Applicant has amended Claim 25 to further clarify that it is the flexible material of an individual preassembled flexible material unit that substantially entirely surrounds the periphery of an individual play area. Applicant submits that provision of his individual preassembled flexible material units which form his individual play areas are not obvious from the cited art and that Claim 25 and claims dependent thereon should be allowable.

The Examiner has rejected Claim 30 under 35 USC 103(a) as unpatentable over Nissen in view of Arsenault. However, Claim 30 is dependent on Claim 1 and Arsenault does not add or suggest the elements indicated above as missing from Claim 1. Thus, Claim 30 should be allowable.

The Examiner rejects Claims 20, 35, and 36 under 35 USC 103(a) as unpatentable over Nissen in view of Wang et al. However, Claim 20 is dependent on Claim 1 and Claims 35 and 36 are dependent on Claim 25. Wang, et al. does not add or suggest the elements indicated above as missing from Claims 1 and 25. Thus, Claims 20 and 35 should be allowable.

Please charge additional fees due, or deposit any overpayments, to Deposit Account No. 20-0100 of the undersigned.

Dated this 8th day of October, 2008.

Respectfully submitted,



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